## IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF SOUTH CAROLINA

) C/A No. 8:06-350-CMC-BHH
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OPINION AND ORDER
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Plaintiff, proceeding *pro se*, filed this action pursuant to 42 U.S.C. § 1983. Defendants filed a motion for summary judgment. The court issued a *Roseboro* order advising Plaintiff of the summary judgment procedure and the possible consequences if he failed to respond. Plaintiff failed to file a response. The court issued another order granting Plaintiff an additional ten days in which to file his response. Despite the warning that the action would be dismissed if he failed to respond, Plaintiff did not file a response. In accordance with this court's order of reference and 28 U.S.C. § 636(b)(1)(B) and Local Rule 73.02(B)(2)(c), this matter comes before the court with the Report and Recommendation of United States Magistrate Judge Bruce H. Hendricks.

The court is charged with making a *de novo* determination of any portion of the Report and Recommendation of the Magistrate Judge to which a specific objection is made. The court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b). The court reviews only for clear error in the absence of an objection. *See Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310 (4th Cir. 2005) stating that "in the absence of a timely filed objection, a

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district court need not conduct de novo review, but instead must 'only satisfy itself that there is no

clear error on the face of the record in order to accept the recommendation." (quoting Fed. R. Civ.

P. 72 advisory committee's note).

Based on her review of the record, the Magistrate Judge has recommended that the action be

dismissed for lack of prosecution. The Magistrate Judge advised Plaintiff of his right to file

objections to the Report and the possible consequences if he failed to do so. Plaintiff has filed no

objections and the time for doing so has expired.

After reviewing the Complaint, the motion, the complete record, and the Report and

Recommendation of the Magistrate Judge, the court finds no clear error. Accordingly, the Report

and Recommendation of the Magistrate Judge is adopted and incorporated by reference. Therefore,

it is

**ORDERED** that this action is *dismissed for lack of prosecution*.

IT IS SO ORDERED.

s/ Cameron McGowan Currie

CAMERON MCGOWAN CURRIE UNITED STATES DISTRICT JUDGE

Columbia, South Carolina October 4, 2006